

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Garron Norris,)	
)	C/A No. 6:10-0217-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
Sheriff Bill Blanton, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Garron Norris is a pretrial detainee who currently is housed at the Cherokee County Detention Center in Gaffney, South Carolina. Plaintiff, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 on January 27, 2010. Plaintiff alleges that his constitutional rights have been violated in various respects.

This matter is before the court on Defendants' motion for summary judgment, which motion was filed on June 11, 2010. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. By order filed June 14, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed no response to Defendants' motion for summary judgment. On July 26, 2010, the Magistrate Judge issued an order granting Plaintiff until August 19, 2010 to file a response to Defendants' motion. The Magistrate Judge cautioned Plaintiff that the case could be subject to dismissal for failure to prosecute. See Fed. R. Civ. P. 41(b). Plaintiff elected not to respond.

On August 30, 2010, the Magistrate Judge issued a Report of Magistrate Judge in which concluded that Plaintiff had abandoned his law suit. Accordingly, the Magistrate Judge

recommended that the within action be dismissed pursuant to Rule 41(b). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report of Magistrate Judge and incorporates it herein by reference. The case is dismissed pursuant to Rule 41(b) *with prejudice* for failure to prosecute and/or failure to comply with orders of this court.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 4, 2010.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.